

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LARRY HUNT,

Plaintiff,

vs.

RON JOHNS, as an Individual and in his
capacity as Director of the Scotts Bluff County
Adult Detention Center; SCOTTS BLUFF
COUNTY, MONUMENT VISION, PC,
OREGON TRAIL EYE CENTER, PC, and
JOHN DOES 1-99,

Defendants.

4:17CV3023

ORDER

This matter is before the Court on Defendant County of Scotts Bluff, Nebraska's Motion for Trial in North Platte, Nebraska. ([Filing No. 17.](#)) No party has responded to the motion. For the reasons explained below, the motion will be granted.

DISCUSSION

In this action brought pursuant to 42 U.S.C. § 1983, Plaintiff alleges that Defendants were deliberately indifferent to his serious medical needs while he was an inmate at the Scotts Bluff County Adult Detention Center. ([Filing No. 1.](#)) Plaintiff also alleges that Defendants acted negligently in providing him medical care. The Complaint requests trial in Lincoln, Nebraska. The County of Scotts Bluff requests that trial take place in North Platte, Nebraska.

When deciding the place of trial, "a judge considers the convenience of the litigants, witnesses, and attorneys." [Ury v. Union Pacific Railroad Company, No. 8:10CV116, 2010 WL 1957272, *2 \(D. Neb. May 14, 2010\)](#) (quoting NECivR 40.1(b)(1)). The party seeking to change the place of trial bears the burden of establishing that the transfer should be granted. [Id.](#) The forum should not be disturbed "unless the movant makes a clear showing that the balance of interests weighs in favor of the movant." [Id.](#) "A

transfer should not be granted if the effect is to merely shift the inconvenience from one party to the other.” [*Id.*](#)

The events alleged in Plaintiff’s Complaint arose out of Plaintiff’s detention at the Scotts Bluff County Adult Detention Center, which is located in Scotts Bluff County, Nebraska. North Platte is significantly closer to Scotts Bluff County than is Lincoln, Nebraska. Most, if not all, of the defendants, and many of the witnesses involved in the events alleged in the Complaint, are located in or around Scotts Bluff County. Therefore, for potential witnesses, North Platte appears to be the more convenient place for trial. There is no indication that the other parties to this suit have any witnesses who would be particularly burdened by having trial in North Platte. Although the majority of the attorneys, including the attorneys for the movant, are based in Lincoln, this fact does not justify holding the trial in Lincoln under the circumstances presented in this case.

Having fully reviewed the matter,

IT IS ORDERED that the Motion for Trial in North Platte, Nebraska ([Filing No. 17](#)) is granted. The Clerk of Court shall amend the docket sheet to reflect the place of trial is North Platte, Nebraska.

Dated this 2nd day of June, 2017.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge